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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,921

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Lars Callne

CALLNEL-2

3184

7590

11/17/2004

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,921

Applicant(s)

CALLNE, LARS

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 9-11 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 1, 3, 5, 7, 8, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-8-2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## Detailed Action

1. The amendment filed on 11-8-2004 has been entered. Upon further consideration, the allowable subject matter of claims 9-11 and 14-15 has been withdrawn. Any inconvenience to the Applicant is regretted.
2. Newly submitted claim 17 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

### Restriction/Election

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 and 3-16, drawn to a saw, classified in class 30, subclass 392.
- II. Claim 17, drawn to a method of cutting, classified in class 83, subclass 13.

The inventions are distinct, each from the other because:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process such as using the product for mixing soil.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 17 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### **Claims Objection**

Claims 1, 3-8 and 16 are objected to because of the following informalities:

- (1) In claim 1, lines 25, "at an at an angle" should read --at an angle--.
- (2) In claim 4, line 25, "drive shaft" should read --said drive shaft-- since it refers to the one previously cited.
- (3) In claim 5, line 27, "at an at an angle" should read --at an angle--.
- (4) In claim 16, line 31, "drive shaft" should read --said drive shaft-- since it refers to the one previously cited.

Appropriate correction is required.

### **Claim Rejection - 35 U.S.C. 112, second paragraph**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 6, line 4, "said interior surface" has no clear antecedent basis. It appears the phrase should read --said inside surface--.

**Claim Rejection – 35 U.S.C. 102 (b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ward (U.S. Patent No. 5,924,209).

Ward discloses a saw comprising a blade assembly having an elongate thin blade (16) and a rigid frame (12); a generally cylindrical elongate handle (18) adapted for holding the saw in a user's hand; a rotary motor (74) including a drive shaft (76) rotating about a shaft axis, the shaft axis parallel to the handle axis; power means (20); a piston (62) including a front end and a rear end, and the rear end slidably and non-rotatably supported in the handle (18) so as to be movable parallel to the handle axis; and motion converter means (78,86,88) mounted in the handle (18) for connecting the front end of the drive shaft (76) to the rear end of the piston (62) for converting rotary

motion of the drive shaft (76) into reciprocating linear motion of the piston (62) as claimed.

**Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desrosiers (U.S. Patent No. 5,529,532) in view of Ward (U.S. Patent No. 5,924,209).

Desrosiers shows (Fig.9A) the claimed combination which comprises a full dental arch model and a coping saw for cutting individual dies from the dental model substantially as claimed except the coping saw is of a manual-operated type rather than a powered-operated type.

Ward shows a coping saw which comprises all the claimed structure as claimed. Ward specifically teaches the use of a power-operated coping saw to overcome the shortcomings, such as highly labor intensive, time consuming, prone to produce repetition-induced injury, blade jamming, bending and breaking, of a manual coping saw.

In view of this teaching, it would have been obvious to one skilled in the art to modify Desrosiers by substituting Ward's power-operated coping saw for the manual-operated coping saw of Desrosiers for the advantages stated above.

#### **Indication of Allowable Subject Matter**

1. Claims 1, 3, 5, 7 and 8 are objected to but would be allowable if amended to overcome the objection as set forth.
2. Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
3. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Drawings Objection**

The drawings are objected to because in Fig.3 of the replacement sheet filed on 11-8-2004, reference numeral "48" has not been described in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.



Art Unit: 3724

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

H Payer  
November 15, 2004

*18/11 Payer*

**Hwei-Slu Payer  
Primary Examiner**